



# California Fair Political Practices Commission

May 24, 1989

Sheila M. Parsons  
Executive Assistant to the  
Mayor and City Council  
Office of the Mayor  
Civic Center Plaza  
333 West Ocean Boulevard  
Long Beach, CA 90802

Re: Your Request for Advice  
Our File No. A-89-254

Dear Ms. Parsons:

This is in response to your letter requesting advice on behalf of the City of Long Beach concerning the mass mailing provisions of the Political Reform Act (the "Act").<sup>1/</sup>

## QUESTION

May the City of Long Beach use public funds to pay for a public access cable television program hosted by the mayor and featuring the mayor's name in the title and set design?

## CONCLUSION

A public access cable television program is not "a mass mailing sent at public expense" within the meaning of Section 89001.

## FACTS

The City of Long Beach is contemplating the production of a television program to publicize city policy and provide a forum for city residents. The program will be hosted by the mayor and produced for the cable television public access channel. It will be funded by public access funds and general fund money that is received by the city from franchise fees.

You have asked whether use of the mayor as the host of the program, or use of his name in the title or set designs violates

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<sup>1/</sup> Government Code Section 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

the mass mailing restrictions of Regulation 18901. You have also asked whether other general fund money, such as the legislative department's administrative budget, may be used for the program.

ANALYSIS

Section 89001 provides that no newsletter or other mass mailing shall be sent at public expense. A mass mailing is defined in Section 82041.5 as more than two hundred substantially similar pieces of mail. A mass mailing is "sent at public expense" where any of the costs of design, production, printing or distribution is paid for with public moneys (Regulation 18901(a), copy enclosed) and the mass mailing is distributed by one of the following means:

- (1) United States Postal Service;
- (2) Any commercial delivery service;
- (3) Agency personnel or agents of the agency;
- (4) Volunteer delivery mechanisms;
- (5) Paid advertisement in any subscription publication such as a newspaper of general circulation;
- (6) Electronic mail communications.

Regulation 18901(g).

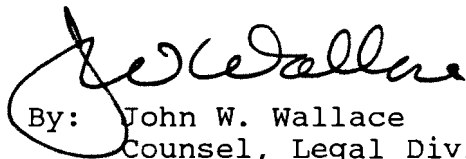
Thus, under Regulation 18901, the mayor's program could only be a mass mailing where it is paid for with public money and "sent" by one of the methods enumerated in subsection (g). While public moneys are being used to produce the program, the program is not a "mass mailing sent at public expense" within the meaning of Section 89001.

You have also asked whether other general fund moneys may be used to finance the program. With the exception of the mass mailing regulation, the broader subject of the use of public funds is beyond our jurisdiction. You may wish to contact the Attorney General's office concerning this matter.

If I can be of any further assistance to you, please feel free to contact me at (916) 322-5901.

Sincerely,

Kathryn E. Donovan  
General Counsel

  
By: John W. Wallace

Counsel, Legal Division

KED:JWW:plh

Enclosure



LONG BEACH, CALIFORNIA  
90802

OFFICE OF THE MAYOR  
CIVIC CENTER PLAZA  
333 WEST OCEAN BOULEVARD

April 20, 1989

APR 21 7 12 AM '89

ERNIE KELL  
MAYOR  
213/590-6801

Mr. John Wallace  
California Fair Political Practice Commission  
P. O. Box 807  
Sacramento, CA 95804-0807

Dear Mr. Wallace:

In reference to Prop. 73's mass mailing restrictions, I would appreciate your written legal opinion regarding the legality of using the Mayor's name in both the title and set design of cable television programs hosted by the Mayor that will publicize city policy and that will provide a forum for constituent input to the Mayor on issues relating to the city.

These programs are being paid for by public access funds provided by the cable company, as well as general fund money that is received by the city from franchise fees.

In addition, please advise if additional money from the general fund, such as the legislative department's administrative budget can, under the restrictions of Prop. 73, be utilized for expenses of the program, i.e., set design/construction, payment of fees for moderators, etc.

Thank you.

Sincerely,

Sheila M. Parsons  
Executive Assistant to the  
Mayor & City Council

SMP:jrm



LONG BEACH, CALIFORNIA  
90802

OFFICE OF THE MAYOR  
CIVIC CENTER PLAZA  
333 WEST OCEAN BOULEVARD

April 20, 1989

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ERNIE KELL  
MAYOR  
213/590-6801

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P. O. Box 807  
Sacramento, CA 95804-0807

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These programs are being paid for by public access funds provided by the cable company, as well as general fund money that is received by the city from franchise fees.

In addition, please advise if additional money from the general fund, such as the legislative department's administrative budget can, under the restrictions of Prop. 73, be utilized for expenses of the program, i.e., set design/construction, payment of fees for moderators, etc.

Thank you.

Sincerely,

Sheila M. Parsons  
Executive Assistant to the  
Mayor & City Council

SMP:jrm



# California Fair Political Practices Commission

May 2, 1989

Sheila M. Parsons  
Executive Assistant to the  
Mayor & City Council  
Civic Center Plaza  
333 West Ocean Boulevard  
Long Beach, CA 90802

Re: Letter No. 89-254

Dear Ms. Parsons:

Your letter requesting advice under the Political Reform Act was received on April 27, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact John Wallace an attorney in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Kathryn E. Donovan  
General Counsel

KED:plh

88-254

REMCHO, JOHANSEN & PURCELL

ATTORNEYS AT LAW

220 MONTGOMERY STREET, SUITE 800  
SAN FRANCISCO, CALIFORNIA 94104  
415 / 398-6230 FAX: 415 / 398-7256

JUL 1 8 24 AM '88

June 29, 1988

Jeanne Pritchard  
Fair Political Practices Commission  
428 J Street, Suite 800  
P.O. Box 807  
Sacramento, California 95804-0807

Dear Jeanne:

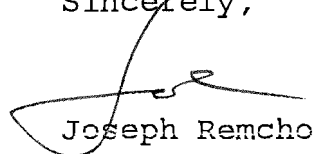
I know these are busy days for you, but I have a client who doesn't want to take my word for a simple proposition and I would appreciate a letter from your office confirming my advice. The question is:

If a public official accepts an invitation to join a friend on a vacation and stays at that person's vacation home (with the person), has the official received a reportable gift?

It appears to me to be clearly covered by the second home hospitality regulation, but I would appreciate a letter confirming that there is no reportable gift.

Thanks a lot.

Sincerely,



Joseph Remcho

JR:lmf



# California Fair Political Practices Commission

July 6, 1988

Joseph Remcho  
Remcho, Johansen & Purcell  
220 Montgomery Street, Suite 800  
San Francisco, CA 94104

Re: 88-254

Dear Mr. Remcho:

Your letter requesting advice under the Political Reform Act was received on July 1, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to the information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

*Jeanne Pritchard* by *JPB*  
Jeanne Pritchard  
Chief  
Technical Assistance and Analysis  
Division

JP:plh